

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 5-8 and 13-20 are pending in this application. Claims 5-7 and 13-15 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. patent 6,791,607 to Bilhan et al. (herein “Bilhan ‘607”). Claims 8 and 16-20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bilhan ‘607 in view of U.S. patent 5,659,355 to Barron et al. (herein “Barron”).

Addressing now the rejection of claims 5-7 and 13-15 under 35 U.S.C. § 102(e) as anticipated by Bilhan ‘607, and the further rejection to claims 8 and 16-20 under 35 U.S.C. § 103(a) as unpatentable over Bilhan ‘607 in view of Barron, those rejections are traversed by the present response.

Applicants respectfully submit the outstanding rejections are traversed as Bilhan ‘607 does not have a valid date against the present application.

More particularly, the present application was filed on October 1, 1999. Bilhan ‘607 has a filing date of November 1, 2000. Thereby, that filing date in Bilhan ‘607 is subsequent to applicants’ filing date, and thus Bilhan ‘607 is not a valid reference against the pending claims.

The front face of Bilhan ‘607 indicates that patent is based on a continuation of U.S. application serial no. 09/353,919 filed on July 15, 1999, and in turn is based on provisional U.S. application no. 60/092,912, filed on July 15, 1998. However, applicants respectfully submit that Bilhan ‘607 is not entitled to either of those earlier priority dates as the subject matter relied upon in Bilhan ‘607 in the outstanding rejection is not supported by those earlier applications.

First, applicants note U.S. application serial no. 09/353,919, on which Bilhan ‘607 claims priority, matured into U.S. patent 6,750,910 to Bilhan, which has been made of record

in the present application. That U.S. patent Bilhan '910 has not been applied against the pending claims.

Further, in the outstanding Office Action with respect to the claimed "black shading correction means" the outstanding rejection cites the teachings in Bilhan '607 at column 4, line 66 to column 5, line 67. That disclosure in Bilhan '607 is not present in U.S. patent 6,750,910 to Bilhan, which is based on U.S. application serial no. 09/353,919. Further, the noted disclosure in Bilhan '607 is also not disclosed in provisional application no. 60/092,912. In such ways, the relied upon disclosure in Bilhan '607 for the outstanding rejection only has an effective filing date of November 1, 2000, which is subsequent to the filing date of the present application. Thus, Bilhan '607 is not a valid reference against the pending claims and thereby the rejections based on Bilhan '607 are traversed.

In view of these foregoing comments, applicants respectfully submit each of claims 5-8 and 13-20 as currently written distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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